

Honorarium Ordinance

Ordinance # 14-800-07

Article 1. Purpose; Findings.

- 1.01. *Purpose.* The purpose of this Ordinance is to establish a procedure and process to fund expenditures for honorariums given to people in response to a demonstrated act of good will toward the Little River Band of Ottawa Indians.
- 1.02. *Findings.* The Tribal Council of the Little River Band of Ottawa Indians finds that:
- (a) Tribal Council is delegated the responsibility, in Article IV, Section 7(a) of the Constitution of this Tribe “to exercise the inherent powers of the Little River Band by establishing ordinances through the enactment of ordinances and adoption of resolutions not inconsistent with this Constitution:
 - (1) to govern the conduct of members of the Little River Band and other persons within its jurisdiction;
 - (2) to promote, protect and provide for public health, peace, morals, education and general welfare of the Little River Band and its members”; and
 - (b) Tribal Council is also vested with the responsibility, in Article IV, Section 7(i) of the Constitution of this Tribe “to manage any funds within the exclusive control of the Little River Band and to appropriate these funds for the benefit of the Tribe and its members.”

Article 2. Adoption; Amendment; Repeal; Severability.

- 2.01. *Adoption.* This Ordinance is adopted by Tribal Council Resolution #15-0610-188.
- a. This Ordinance is amended by Tribal Council Resolution #15-0610-188, which amends the source of honorarium payments and clarifies limits to honorarium payments.
- 2.02. *Amendment.* This Ordinance may be amended in accordance with the procedures set forth in the Administrative Procedures Ordinance, Ordinance #04-100-07, as amended.
- 2.03. *Repeal.* This Ordinance may be repealed in accordance with the procedures set forth in the Administrative Procedures Ordinance, Ordinance #04-100-07, as amended.

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2.04. *Severability.* If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Article 3. Definitions.

3.01. *Honorarium* means a payment of money or anything else of value made to a person for services rendered for which fees cannot legally be or are not traditionally paid.

Article 4. Procedure.

4.01. Honorariums should be used in the most exceptional of circumstances to reward dedicated acts of goodwill that benefit this Tribe and its Members. Priority use of funds for honorariums shall first go to Tribal Members.

4.02. Honorariums shall only be funded from a department budget line item dedicated to tribal activities.

4.03. Honorariums shall not be granted to any of the following:

(a) An employee, contractor or vendor of the Tribe or any of its enterprises for an act that is performed in the regular course of their employment or under any term of their contract or vending agreement.

(b) An employee of the Tribe shall not be granted an honorarium for an act or service performed during his or her regular employment shift, unless the employee has filed a work variance form.

4.04. Honorariums shall be limited to \$500.00.

4.05. Honorariums shall not be given with any other payment, including but not limited to mileage reimbursement or per diem payments.

4.06. Nothing about the disbursement or receipt of an honorarium shall be construed to create any form of contract or employment between the Tribe and the recipient.

4.07. Individuals who provide regular ongoing services to the Tribe or its Members shall not be eligible to receive honorariums but shall be required instead to enter into a contract with the Tribe which clearly delineates the services to be provided and the costs for those services.

4.08. Honorariums shall not be considered wages.

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Article 5. Discretion Reserved

- 5.01. Tribal Council reserves its right to exercise discretion in signing checks for honorariums and specifically reserves its right to deny any request for an honorarium payment.
- 5.02. This Ordinance shall not be construed to operate as creating any right of interest or entitlement to an honorarium payment.

CERTIFICATION

I, Gary Di Piazza, Acting Council Recorder, do hereby certify that this is a true and correct copy of the Honorariums Ordinance, as amended, adopted by Tribal Council on June 10, 2015.


Gary Di Piazza, Acting Council Recorder

[Seal]

